

1 THE ROSEN LAW FIRM, P.A.
Laurence M. Rosen (SBN 219683)
2 355 South Grand Avenue, Suite 2450
Los Angeles, CA 90071-9500
3 Telephone: (213) 785-2610
Facsimile: (213) 226-4684
4 Email: lrosen@rosenlegal.com

5 *Lead Counsel for Plaintiffs*

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 MICHAEL SANDERS, Individually and on
Behalf of All Others Similarly Situated,

12 Plaintiff,

13 vs.

14 THE REALREAL, INC., et al.,

15 Defendants.
16

Case No. 5:19-cv-07737-EJD-VKD

17 **STIPULATION AND ~~PROPOSED~~**
ORDER EXTENDING TIME TO FILE
PRELIMINARY APPROVAL MOTION

Assigned to: Honorable Edward J. Davila

1 Lead Plaintiff Michael Sanders and named Plaintiffs Nubia Lorelle and Garth Wakeford
 2 (“Plaintiffs”) and Defendants The RealReal, Inc., Julie Wainwright, Matt Gustke, Steve Lo, Chip
 3 Baird, Maha Ibrahim, Rob Krolik, Michael Kumin, Stefan Larsson, Niki Leondakis, and James
 4 Miller (“The RealReal and Individual Defendants”) as well as Credit Suisse Securities (USA) LLC,
 5 B of A Securities, Inc., UBS Securities LLC, KeyBanc Capital Markets Inc., Stifel, Nicolaus &
 6 Company, Cowen and Company, LLC, and Raymond James & Associates, Inc. (“Underwriter
 7 Defendants” and, together with The RealReal and Individual Defendants, “Defendants”), through
 8 their undersigned counsel, hereby stipulate and agree as follows:

9 WHEREAS, on April 9, 2021, the Court entered an Order Regarding Schedule for Lead
 10 Plaintiff’s Second Amended Complaint and Defendants’ Response (Dkt. No. 45) (“Scheduling
 11 Order”);

12 WHEREAS, on April 30, 2021, Lead Plaintiff timely filed a Second Amended Complaint
 13 (Dkt. No. 46);

14 WHEREAS, on June 14, 2021, The RealReal and Individual Defendants filed a motion to
 15 dismiss Counts III and IV of the Second Amended Complaint (Dkt. No. 52) (“Motion”), which was
 16 set for a hearing before this Court on September 23, 2021 (“Hearing”);

17 WHEREAS, pursuant to the Scheduling Order, Plaintiffs’ opposition to the Motion was due
 18 by July 29, 2021, with any reply from The RealReal and Individual Defendants due by September 2,
 19 2021;

20 WHEREAS, the parties participated in a private mediation before the Hon. Layn Phillips
 21 (Ret.) on June 28, 2021 (“Mediation”), ultimately resulting in an agreement in principle entered into
 22 by the parties on July 27, 2021, subject to certain matters including formalizing the final terms of
 23 settlement;

24 WHEREAS, on July 28, 2021, the parties filed a joint stipulation (Dkt. No. 55) to stay the
 25 outstanding Motion deadlines and for Plaintiffs to file a motion for preliminary approval of the
 26 settlement within 60 days of the Court entering its approval of the stipulation;

27 WHEREAS, on July 28, 2021, the Court entered an order endorsing the stipulation (Dkt. No.
 28 56), meaning that Plaintiff’s motion for preliminary approval is due September 27, 2021;

1 WHEREAS, the parties require additional time to finalize the formal settlement papers,
2 forms of proposed class notice, and preliminary approval motion, and no other case deadlines would
3 be affected by granting the parties additional time to do so;

4 THEREFORE, IT IS STIPULATED AND AGREED that, subject to the Court's approval:

- 5 1. The deadline for Plaintiffs to file a motion for preliminary approval of the settlement
6 is extended six weeks from September 27, 2021 to November 8, 2021.

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8 Dated: September 22, 2021

THE ROSEN LAW FIRM, P.A.

9 By: /s/ Laurence M. Rosen

10 Laurence M. Rosen
11 lrosen@rosenlegal.com
12 355 South Grand Avenue, Suite 2450
13 Los Angeles, CA 90071
14 Telephone: + 1 213 785 2610
15 Facsimile: + 1 213 226 4684

16 Phillip Kim (*pro hac vice*)
17 pkim@rosenlegal.com
18 Joshua Baker (*pro hac vice*)
19 jbak@rosenlegal.com
20 101 Greenwood Avenue, Suite 440
21 Jenkintown, PA 19046
22 Telephone: +1 215 600 2817
23 Facsimile: +1 212 202 3827

24 *Lead Counsel for Plaintiffs*

25
26 Dated: September 22, 2021

KING & SPALDING LLP

27 By: /s/ Lisa R. Bugni

28 Lisa R. Bugni
lbugni@kslaw.com
50 California Street, Suite 3300
San Francisco, CA 94111
Telephone: + 1 415 318 1234
Facsimile: + 1 415 318 1300

Attorneys for The RealReal, Inc. and Individual Defendants

1 Dated: September 22, 2021

PAUL HASTINGS LLP

2 By: /s/ Peter M. Stone

3 Peter M. Stone
4 peterstone@paulhastings.com
5 1117 S. California Avenue
6 Palo Alto, CA 94304
7 Telephone: + 1 650 320 1800
8 Facsimile: + 1 650 320 1900

Attorneys for Underwriter Defendants

9 * * *

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11 PURSUANT TO THE STIPULATION, IT IS ORDERED:

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13 Dated: September 23, 2021

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15 EDWARD J. DAVILA
16 United States District Judge
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ATTESTATION

Pursuant to Local Civil Rule 5-1(i)(3), I hereby attest that all signatories listed above, and on whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

Dated: September 22, 2021

/s/ Laurence M. Rosen

Laurence M. Rosen

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2021, a true and correct copy of the foregoing STIPULATION AND ~~[PROPOSED]~~ ORDER EXTENDING TIME TO FILE PRELIMINARY APPROVAL MOTION was served CM/ECF to the parties registered to the Court's CM/ECF system.

Dated: September 22, 2021

/s/ Laurence M. Rosen

Laurence M. Rosen